

South Australia



GAS (APPLIANCES) AMENDMENT ACT 1997

No. 4 of 1997

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PART 4

GAS APPLIANCES AND INSTALLATIONS

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ELIZABETHAE II REGINAE

A.D. 1997

No. 4 of 1997

An Act to amend the Gas Act 1988.

[Assented to 27 February 1997]

The Parliament of South Australia enacts as follows:

Short title

- 1. (1) This Act may be cited as the *Gas (Appliances) Amendment Act 1997*.
- (2) The *Gas Act 1988* is referred to in this Act as "the principal Act".

Commencement

- 2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of long title

- 3. The long title to the principal Act is amended by inserting "to make provision for safety and technical standards for gas appliances and installations;" after "gas;".

Insertion of Part 4

- 4. The following Part is inserted after Part 3 of the principal Act:

**PART 4
GAS APPLIANCES AND INSTALLATIONS**

Interpretation

20. In this Part—

"gas appliance" means an appliance that uses gas as a fuel, but does not include anything declared by regulation not to be a gas appliance;

"gas installation" means fixed pipes and any fixed gas appliances, and associated equipment, installed in a place for the conveyance, control, measurement or use of gas that is, is to be, or has been, supplied (whether by a gas reticulation system or pressurised vessel) for consumption in the place, but does not include anything declared by regulation not to be a gas installation;

"label" includes a stamp or mark;

"sell" includes—

- (a) let on hire;
- (b) advertise for sale or hire;
- (c) offer or expose for sale or hire,

and "sale" has a corresponding meaning;

"trader" means a person who sells gas appliances in the course of a trade or business.

Approval and labelling of gas appliances

21. (1) A trader must not sell a gas appliance of a declared class unless—

- (a) it is of a kind approved by a declared body or the Minister; and
- (b) it is labelled, under the authority of the declared body or Minister, to indicate that approval.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(2) No offence is committed under subsection (1) if the sale takes place within six months after the relevant class of appliances is declared.

(3) The Minister may, by notice in the *Gazette*—

- (a) declare a specified class of gas appliances for the purposes of this section;
- (b) declare a specified body for the purposes of this section;
- (c) vary or revoke a notice previously made under this section.

Certain gas fitting work

22. (1) A person who carries out work on a gas installation or proposed gas installation must ensure that—

- (a) the work is carried out as required under the regulations; and
- (b) examinations and tests are carried out as required under the regulations; and
- (c) the requirements of the regulations as to notification and certificates of compliance are complied with.

Maximum penalty: \$5 000.

Expiation fee: \$315.

(2) If a person has a licensed gas fitting contractor carry out the work, this section does not apply to the person but applies to the contractor.

(3) If a person (other than a licensed gas fitting contractor) has a registered gas fitting worker carry out the work, this section does not apply to the person but applies to the worker.

Powers of entry in relation to gas appliances and installations

23. (1) An authorised person may enter premises at any reasonable time for the purposes of—

- (a) examining or testing a gas appliance or a gas installation; or
- (b) taking action necessary to avert danger from a fault in a gas appliance or gas installation or from abnormal conditions affecting the appliance or installation; or
- (c) otherwise administering or enforcing this Part.

(2) Except in an emergency, an authorised person may only enter residential premises under this section after reasonable notice to the occupier.

(3) A person who obstructs an authorised person in the exercise of powers conferred by this section is guilty of an offence.

Maximum penalty: \$10 000.

Amendment of s. 34—Regulations

5. Section 34 of the principal Act is amended by inserting after paragraph (b) of subsection (3) the following paragraph:

- (c) incorporate or operate by reference to a specified code, standard or other document as in force at a specified time or as in force from time to time.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor